

CHAPTER 150: BUILDING CODE

SECTION

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150.01 AUTHORITY

The Director of the City Enforcement Authority and his duly authorized representatives are hereby authorized and directed to administer and enforce all of the provisions of this Code. Whenever in this Code it is provided that anything must be done to the approval of or subject to the direction of the Director, his duly authorized representatives or any other officer of the City Enforcement Authority, this shall be construed to give such person only the discretion of determining whether the rules and standards established by ordinance have been complied with; and no such provision shall be construed as giving any officer discretionary powers as to what such regulations, codes, or standards shall be, or power to require conditions not prescribed by ordinances or to enforce ordinance provisions in an arbitrary or discriminatory manner.

150.02 SCOPE

The provisions of this Code apply to the construction, alterations, repair, use, occupancy, maintenance, demolition, moving and additions to all buildings and structures, other than fences, in the City of Richmond, Indiana.

SECTION 150.03 ADOPTION OF RULES BY REFERENCE (Ord. 12-2005)

(a) Pursuant to IC 22-13-2-3-(b), the rules of the Indiana Fire Prevention and Building Safety Commission as set out in the following Articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this code and shall include any later amendments to those rules.

| | |
|------------|---|
| 675 IAC 13 | Building Codes |
| | (1) Fire and Building Safety Standards |
| | (2) Indiana Building Code |
| 675 IAC 14 | Indiana Residential Code |
| 675 IAC 16 | Indiana Plumbing Code |
| 675 IAC 17 | Indiana Electrical Code |
| 675 IAC 18 | Indiana Mechanical Code |
| 675 IAC 19 | Indiana Energy Conservation Code |
| 675 IAC 20 | Indiana Swimming Pool Code |
| 675 IAC 22 | Indiana Fire Code |
| 675 IAC 24 | Migrant Day Care Nursery Fire Safety Code |
| 675 IAC 25 | Indiana Fuel Gas Code |

(b) Copies of adopted building rules, codes and standards are on file in the office of the City Enforcement Authority.

150.04 APPLICATION FOR PERMITS

The Director of the City Enforcement Authority or his duly authorized representative may require as a part of the application for a permit the submission of a plat or sketch of the proposed location showing lot boundaries and plans and specifications showing the work to be done. In addition, a copy of a Design Release, issued by the State Building Commissioner and the State Fire Marshall pursuant to I.C. 22-15-3-1 and a copy of the plans and specifications, that have been stamped by the State Building Commissioner and/or State Fire Marshall showing the work to be done, shall be provided to the City Enforcement Authority before issuance of a Permit for construction covered by such Design Release.

150.05 PERMIT REQUIRED

A Building Permit or Service Installation Permit is required to be obtained prior to commencing work from the City Enforcement Authority on forms furnished by said Department in the following instances:

(a) Building Permit

- (1) All construction, alteration, remodeling or repair of any building or structure, the cost of which exceeds five hundred dollars (\$500.00).
- (2) All roofing and siding installations, the cost of which exceeds five hundred dollars (\$500.00).
- (3) The demolition of any building or structure.
- (4) The moving of any building or structure.
- (5) The construction of a public swimming pool.
- (6) The installation of a modular or manufactured home on a permanent foundation.
- (7) The installation of a temporary commercial mobile unit bearing an Indiana Seal of Compliance under Public Law 135.

(b) Service Installation Permit

- (1) The installation, alteration, extension or replacement of electrical wiring, panels and devices within the service area of Richmond Power & Light, including all new, temporary or replacement electrical service provided by Richmond Power & Light, new or replacement electric distribution panels, wiring for additional circuits, rewiring and circuit replacement, wiring for above ground and underground tanks, wiring for swimming pool equipment and bonding of metal components and wiring for appliances and equipment including signs.
- (2) The installation, alteration, extension or replacement of all heating and air conditioning equipment.
- (3) The installation, alteration, extension or replacement of air handling equipment and equipment for the removal of smoke and grease-laden vapors from cooking equipment.
- (4) The installation, alteration, extension or replacement of all fire-extinguishing systems and/or fire-alarm systems.

(5) The installation, alteration, extension or replacement of all plumbing, piping, fixtures, appliances and appurtenances in connection with sanitary drainage, liquid waste and sewerage systems, venting systems and water supply systems, the cost of which work exceeds five hundred dollars (\$500.00).

(6) The installation of all new or replacement water heaters, regardless of cost.

(7) Service Installation Permits are not required in the following instances:

(A) Public utilities

Installation of public utilities with respect to construction, maintenance and development work performed in the exercise of their public function.

(B) Railway utilities

Installation of electrical equipment employed by a railway utility directly in the exercise of its functions as a public carrier and located outdoors or in buildings used exclusively for that purpose.

(C) Portable appliances

The installation of a portable heating appliance or of a portable air conditioning appliance.

(D) Radio transmitting stations

Equipment used for radio transmission, whether erected on a building or on the ground. Such exception does not extend to equipment and wiring for power supply and the installation of radio towers and antenna.

(E) Maintenance

The maintenance or servicing of an existing electrical, heating, air conditioning, air handling, commercial kitchen hood, fire-extinguishing, fire-alarm or plumbing system for the purpose of maintaining it in safe operating condition in conformance with the provisions of this Code.

(F) Well drilling and water softening equipment

The drilling of wells and the installation of pumps, pressure tanks and piping incidental to a well system. The installation of water softening equipment.

(c) Permit obtained prior to commencing work

It shall be the duty of the property owner, or his authorized agent to obtain all necessary permits before any work has been started. Except that in cases where this Code requires that work be performed by a licensed contractor it shall be the responsibility of the licensed contractor to obtain all necessary permits prior to commencing work. A reinspection fee of one hundred dollars (\$100.00) shall be assessed and added to the cost of a Permit when construction, demolition or installation work is begun prior to the issuance of a Permit and the jobsite has been inspected by any representative of the City Enforcement Authority. (Ord. 38-2005)

(d) Permit to be posted on site

A Building Permit Card shall be required to be posted on the job site in a conspicuous place in full view of the public during the construction, alteration, remodeling or repair of a building or structure until said work shall be completed and finally inspected. A copy of the Service Installation Permit shall be required to be available on the job site pending inspection.

(e) Changes not to be made in plans after permit is issued

No change shall be made in any plans, specifications, or construction, after the plans and specifications have been released by the State Building Commissioner and/or a Building Permit or Service Installation Permit has been issued, unless such change is approved in writing by State Building Commissioner and/or by the City Enforcement Authority.

(f) Non-conformity to law discovered after permit issued or plans approved

The issuance of a Permit pursuant to the provisions of this Code or the approval of plans, prints, or specifications, shall not be deemed to authorize any erection, construction, alteration or repair, or the performance of any work, in violation of any of the provisions of this Code, nor shall such issuance or approval be a guaranty, warrant or assurance to any person that any such plans, prints or set of specifications, are in conformity to the provisions of this Code and to all laws and Ordinances. Upon the discovery of any departure of any such plans, print, or specifications, from the requirements of this Code, such departure shall be corrected immediately, and the erection, construction, repair or work shall be made to conform to the provisions of this Code.

(g) Expiration of Permits

Every Permit shall expire if active work shall not have been commenced within sixty (60) days of the date of issue thereof. If the work authorized by such permit is suspended or abandoned at any time after work is commenced, and work is not recommenced for a period of one hundred eighty (180) days or more, such work shall be recommenced only after the issuance of a new permit. (Ord 121-1997)

(h) Revocation of a Permit

The Director of the City Enforcement Authority or his duly authorized representative may revoke a permit if it is determined that the permit was issued in error or in violation of any rules of the State of Indiana or provisions of this Code or if the permit is based on incorrect or insufficient information or if the person to whom the permit was issued ceases work and abandons the job prior to said job being completed and finally inspected. A written Notice of Revocation shall be served on the person who obtained the permit and the owner of the property either by delivery in person, by Certified Mail or by publication in a newspaper of general circulation.

150.06 OTHER ORDINANCES

All work done under any permit issued hereunder shall be in full compliance with all other Ordinances pertaining thereto, and in addition to the fees for permits hereinafter provided for, there shall be paid the fees prescribed in such Ordinances.

150.07 FEE SCHEDULE (Ord. 38-2005)

The schedule of required fees for examinations, licenses, permits, re-inspections, and certificates of occupancy shall be as follows: All fees shall be payable to the City of Richmond, Indiana.

(a) Application for examination for trade license

- | | | |
|-----|---|---|
| (1) | Electrical Contractor | \$10.00 plus independent testing agency fee |
| (2) | Heating and Air Conditioning Contractor | \$10.00 plus independent testing agency fee |

(b) Annual Trade License

- | | | |
|-----|---|----------|
| (1) | Electrical Contractor | \$ 50.00 |
| (2) | Heating and Air Conditioning Contractor | \$ 50.00 |

(c) Building Permits

- | | |
|-----|--|
| (1) | New one and two family dwelling - \$200.00 |
|-----|--|

(2) New industrial, commercial, institutional and three or more family dwelling – \$2.00 per \$1,000.00 of actual cost – minimum \$200.00 as follows:

(a) \$2.00 per \$1,000.00 of actual cost up to the first \$10,000,000.

(b) \$1.00 per \$1,000.00 of actual cost in excess of \$10,000,000 up to \$50,000,000.

(c) \$.25 per \$1,000.00 of actual costs in excess of \$50,000,000.

(3) Remodel or repair of all buildings or structures - \$2.00 per \$1,000.00 of actual cost - minimum - \$50.00

(4) New private residential garages, carports and accessory buildings and structures - \$50.00

(5) Move building or structure - \$100.00

(6) (a) Wrecking of one and two family dwelling - \$50.00

(b) Wrecking of three or more family dwelling, institutional, commercial or industrial building - \$100.00

(7) Wrecking of private, residential garage or other accessory building or structure - \$30.00

(8) Public swimming pool - \$100.00

(9) Installation of modular or manufactured home on a permanent foundation - \$100.00

(10) Installation of temporary commercial mobile unit bearing seal of Compliance P.L. 135 - \$50.00

(d) Service Installation Permits

(1) Electrical

(A) Temporary service - \$25.00

(B) New one and two family dwelling - \$50.00

(C) New or remodeled three or more family dwelling \$2.00 per \$1,000.00 of actual electrical cost plus \$5.00 per meter - minimum - \$50.00

(D) New or remodeled commercial, institutional or industrial building or structure - \$2.00 per \$1,000.00 of actual electrical cost - minimum - \$50.00

- (E) Change of service or wiring for additional circuits - one and two family dwelling - \$25.00
- (F) Complete rewire - one and two family dwelling - \$50.00
- (G) Complete rewire - three or more family dwelling - \$2.00 per \$1,000.00 of actual electrical cost plus \$5.00 per meter - minimum - \$50.00
- (H) Complete rewire - commercial, institutional or industrial building or structure - \$2.00 per \$1,000.00 of actual electrical cost - minimum - \$50.00

The fee for all Service Installation Permits issued for electrical installations outside the Corporate Limits of the City of Richmond, Indiana, but within the service area of Richmond Power and Light shall be increased by an additional inspection fee of \$20.00.

(2) Heating and Air Conditioning

- (A) New one and two family dwelling - \$50.00
- (B) New three or more family dwelling, commercial, institutional or industrial building or structure - \$2.00 per \$1,000.00 of actual heating and air conditioning cost - minimum - \$50.00
- (C) Extension or replacement of heating and air conditioning system within an existing commercial building or structure - \$2.00 per \$1,000.00 of actual heating and air conditioning cost - minimum \$50.00
- (D) Residential: New or replacement furnace - \$25.00
- (E) Residential: Air conditioning installation - \$25.00
- (F) Residential: Combination furnace and air conditioning unit or heat pump installation - \$50.00
- (G) Conversion burner installation - \$25.00

(3) Installation, alteration, extension or replacement of air handling equipment and/or equipment for the removal of smoke and grease-laden vapors from cooking equipment \$25.00

(4) Installation, alteration, extension or replacement of a fire-extinguishing system within a building, structure or premise - \$2.00 per \$1,000.00 of actual cost - minimum \$50.00

(5) Installation, alteration, extension or replacement of a fire alarm system within a building, structure or premise – \$2.00 per \$1,000.00 of actual cost – minimum \$50.00

(6) Plumbing

(A) New one and two family dwelling - \$50.00

(B) New three or more family dwelling, commercial, institutional or industrial building or structure - \$2.00 per \$1,000.00 of actual plumbing cost - minimum - \$50.00

(C) New or replacement water heater - \$25.00

(D) Extension or repair of plumbing system within any existing building or structure \$2.00 per \$1,000.00 of actual plumbing cost - minimum - \$50.00

(e) Re-inspection Fee

A re-inspection fee of \$100.00 shall be assessed and added to the cost of a Permit when construction, demolition or installation work is begun prior to the issuance of a Permit.

(f) Certificate of Occupancy as required by the City Enforcement Authority - \$50.00

(g) Other units of government shall not be assessed a fee for any permits required pursuant to this chapter.

150.08 REVIEW OF APPLICATION

Prior to the issuance of any permit hereunder, the City Enforcement Authority shall:

(a) Review all permit applications to determine full compliance with the provisions of this Ordinance.

(b) Review all permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding.

(c) Review permit applications for major repairs within the flood plain area having special flood hazards to determine that the proposed repair, (1) uses construction materials

and utility equipment that are resistant to flood damage, and (2) uses construction methods and practices that will minimize flood damage.

(d) Review permit applications for new construction or substantial improvements within the flood plain area having special flood hazards to assure that the proposed construction (including prefabricated and mobile homes), (1) is protected against flood damage, (2) is designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, and (3) uses construction methods and practices that will minimize flood damage.

(e) Determine if the permit applicant meets the necessary licensing or registration requirements of this Code.

150.09 INSPECTIONS

(a) The Director of the City Enforcement Authority or his duly authorized representatives shall make inspections whenever necessary to enforce any of the provisions of this Code. When an inspection is made, and it is discovered that work has commenced on a job site prior to the issuance of a Permit a re-inspection fee of one hundred dollars (\$100.00) shall be assessed and added to the cost of a Permit. Also, the Director of the City Enforcement Authority or his duly authorized representatives shall make inspections of the work being done after the issuance of any permit hereunder, as are necessary to insure full compliance with the provisions of this Code and the terms of the permit. (Ord. 38-2005)

(b) Any person, firm or corporation who has obtained a Permit from the City Enforcement Authority shall be required to request an inspection of the work performed in the following instances. The inspection shall be requested at least twenty-four (24) hours in advance of the need for such inspection. It shall be the duty of the person requesting the inspection to provide access to and means for the proper inspection of such work. The person responsible for performing the work shall be required to be present on the job site during the inspection. No portion of any work shall be covered or concealed until inspected and approved. The City shall not be liable for any expense entailed in the removal or replacement of material required to permit the inspection. It shall be the responsibility of the person obtaining the permit to insure that all phases of the work are completed before requesting a final inspection.

(1) The installation of a temporary electrical service on a pole.

(2) Footing and foundation excavations prior to the placement of concrete.

(3) The installation of all underground and underslab electrical, heating and air conditioning, fire-extinguishing, fire-alarm and plumbing systems prior to being covered.

- (4) The construction of structural components of a new building or structure or of an addition to a building or structure, including floors, walls, ceilings and roof, prior to said structural components being covered.
 - (5) The installation of all rough-in and final electrical, heating and air conditioning, air handling, commercial kitchen hood, fire-extinguishing, fire-alarm and plumbing systems within a building or structure prior to being covered.
 - (6) The installation of an electrical meter on a building or structure.
 - (7) The installation of replacement furnaces, heat pumps, central air conditioning systems and water heaters.
 - (8) The demolition of a building or structure in the following instances: (1) After the basement floor is broken and the water and sewer services are sealed, (2) After backfilling is completed and the site is uniformly graded and all debris has been removed.
 - (9) The excavation of an inground swimming pool and the electrical bounding and grounding of all metal components prior to the placement of concrete.
 - (10) The installation of a modular or manufactured home on a permanent foundation.
- (c) No person, firm or corporation shall connect or permit to be connected any electrical installation, heating or air conditioning installation, air handling installation, commercial kitchen hood, or water heater to a source of electrical or flammable and combustible liquid or gas energy until such installation has been inspected and approved by the City Enforcement Authority, and a Certificate of Approval has been attached to such installation by the Department. The Certificate of Approval shall be in the form of a sticker and shall be signed by the Director of the Department or his duly authorized representative.

150.10 ENTRY

Upon presentation of proper credentials, whenever necessary to make an inspection to enforce any of the provisions of this Code or whenever there is reasonable cause to believe that there exists in any building, structure or premises any condition or Code Violation which makes such building, structure or premises unsafe, dangerous or hazardous, the Director of the City Enforcement Authority or his duly authorized representatives may enter at reasonable times any building, structure or premises in the City of Richmond to perform any duty imposed upon him by this Code.

150.11 STOP ORDER

(a) Whenever any work is being done contrary to the provisions of this Code or whenever satisfactory progress is not being made in correcting work ordered by the Director of the City Enforcement Authority or his duly authorized representative, said Director or his duly authorized representative may order the work stopped on that portion deemed to be in violation, or on the entire project, by posting a Stop Work Card on the job site. Whenever work has been stopped on a job site, the City Enforcement Authority shall attempt to notify in writing the owner, the contractor and any persons engaged in doing or causing such work to be done. Such written notice may be served in person or served by First Class U.S. Mail. The Stop Work Card shall specify in writing that portion of the work in violation and to be stopped. It shall be the owner's responsibility to ensure that the Stop Work Order is complied with. The owner, the contractor and any person, firm or corporation who shall continue or permit to be continued any work on a stopped project, or portion thereof, other than corrective work, shall be in violation of this Code and shall be fined in the amount of one hundred dollars (\$100.00). The owner, the contractor and the person, firm or corporation shall be notified in writing of such violation and fine. The written Citation and Notice of Violation shall be delivered by Certified Mail, Return Receipt Requested or by delivery in person. Each act of violation and every day, or portion thereof, upon which a violation occurs shall be considered a separate offense. All fines shall be payable in the Office of the City Clerk of the City of Richmond, Indiana or in the proper court of jurisdiction.

(b) The Citation and Notice of Fine shall be in writing and in a form approved by the Board of Public Works and Safety. The Citation and Notice of Fine shall include a statement of the nature of the violation, location of the City Clerk's Office, identification of the violator and identification of the issuing official. Failure to remit the fine within ten (10) days shall result in issue of summons for said violation in the proper court of jurisdiction.

150.12 CERTIFICATE OF OCCUPANCY

After the adoption of this Code, it shall be unlawful for any owner, lessee or tenant to occupy, use or permit the use of any building, structure or part thereof that is constructed, erected, altered, repaired or the use of which is changed, prior to the issuance of a full, partial or temporary Certificate of Occupancy by the City Enforcement Authority. No Certificates of Occupancy shall be issued unless such building or structure was constructed, erected, altered, repaired or changed in compliance with the provisions of this Code. A partial or temporary Certificate of Occupancy may be issued when it is determined that the work to be completed or corrected does not adversely affect building safety and fire safety features of the building or structure. The City Enforcement Authority may require that the owner and/or the professional inspecting architect or engineer of a construction project submit to the Department, prior to the issuance of a Certificate of Occupancy, a statement indicating that the project construction work is substantially complete in accordance with the construction documents released by the State Building Commissioner. Said statement shall also list all remaining items that require completion or correction.

150.13 STANDARDS

All work on the construction, alteration and repair of buildings and other structures shall be performed in a good and workmanlike manner according to accepted standards and practices in the trade.

150.14 LICENSE REQUIREMENTS

(a) Electrical Examining Board

(1) To carry out the provisions of this Section, there is hereby recreated, and also continued, as previously created and established, a Board for the examination and licensing of persons engaged in installing electrical systems, to be known as the "Electrical Examining Board of the City of Richmond, Indiana". The Electrical Examining Board (referred to below as the Board) shall examine applicants for licenses under this Section, issue Certificates of License to qualified applicants who have paid the prescribed fees and who have passed the examination hereinafter required, and revoke or suspend any license after just cause shown before such Board.

(2) Any member of the Board, so serving under previous appointments at the time this Code takes effect, shall continue to serve pursuant to their previous appointments. Thereafter, the Board shall consist of four (4) members. One (1) member shall be the Director of the City Enforcement Authority or his duly authorized representative. Three (3) members shall be appointed by the Mayor as follows: two (2) licensed Electrical Contractors and one (1) person employed in a supervisory capacity at Richmond Power and Light. Members shall serve for a term of four (4) years and shall hold office at the pleasure of the Mayor. Each term shall expire on December 31st of the fourth year. However each member shall continue to serve until a successor is appointed. Vacancies occurring within a term shall be filled by the Mayor for the unexpired portion of the term. Each Board member, not employed by the City of Richmond, shall receive twelve dollars and fifty cents (\$12.50) for each regular meeting of the Board he attends and shall receive twenty-five dollars (\$25.00) for each special meeting of the Board he attends.

(3) At least once each quarter, the Board shall examine applicants for licenses, provided that any such applications are pending. The Board may also meet at the call of the Chairman of the Board, and provide for examinations at other times.
(Ord. 37-1997)

(4) The Board shall keep minutes of all meetings and a record of all licenses issued and shall adopt a printed manual of its rules and regulations for the conduct of meetings and examinations.

(5) Three (3) members of the Board shall constitute a quorum for the transaction of business, but any action taken at a meeting shall require the affirmative vote of at least three (3) members.

(6) No new license under this Section shall be issued without written approval by the Board.

(b) Electrical License

(1) All persons performing any installation, alteration or repair of any electrical wiring, devices, panels or equipment in the City of Richmond or within the service area of Richmond Power and Light shall be required to be licensed by the City of Richmond as an Electrical Contractor or shall be in the employ of a licensed Electrical Contractor working under the supervision, direction and responsibility of said licensed contractor.

(2) Non-transferability and Non-negotiability

Any license issued under this Section may not be transferred, assigned, sold or negotiated to another person. It shall be unlawful to transfer, assign, sell or loan such license to the use of any other person, firm or corporation to enable such person, firm or corporation to work on a job without obtaining the proper license or permit.

(3) Issuance of Permits

It shall be the responsibility of licensed Electrical Contractors to secure permits required by the provisions of this Code prior to commencing work. All work performed pursuant to a permit issued to a licensed Contractor shall be the sole responsibility of said Contractor and the Contractor's License Bond shall pay all damages, costs and expenses caused by negligence through failure to comply with the provisions of this Code. No licensed Contractor shall allow any other person to do or cause to be done any work under a permit secured by said Contractor except persons in his employ.

(4) Exemption

No license under this section is required for the execution or performance of the following electrical work:

(A) Installation of communications systems, installations in recreational vehicles, and installations not covered by the Indiana Electrical Code.

(B) The performance of electrical work in a one-family dwelling by the owner-occupant of the dwelling; provided, however, that this exemption does not apply to any person hired by the owner-occupant for compensation to assist or to perform such electrical work on that dwelling.

(C) The maintenance or servicing of an existing electrical system for the purpose of maintaining it in a safe operating condition in conformance with the provisions of this Code.

(5) Application

Each applicant shall apply in writing to the Board for a license at least thirty (30) days before the next scheduled examination date. The application shall include:

(A) The applicant's name, address, telephone number and age.

(B) The applicant's number of years of experience in the trade.

(C) The applicant's present place of employment.

(D) Any license currently held by the applicant for another jurisdiction.

(E) Payment of a ten dollar (\$10.00) fee and whatever fee may be assessed by any private independent testing agency, should such an agency be used.
(Ord. 37-1997) (Ord. 38-2005)

(6) Examination

To qualify for a new license, an applicant must earn a score of not less than seventy-five percent (75%) correct answers to a written examination to be given by the Board. The examination may be prepared by a private independent testing company or may be prepared by the Board. The examination may be designed to be taken using open reference books approved by the Board. An applicant who fails to pass an examination may not be re-examined earlier than the next scheduled examination upon submitting a new application in compliance with this section. An applicant who passes the examination shall not be required to retake the examination to obtain a license renewal, if he meets the renewal requirements as specified below. If a private independent testing agency is utilized, the Board shall grant a license to any applicant who has previously taken and scored at least seventy-five percent (75%) on the same exam in another jurisdiction. Such applicants must complete an application for a license, pay a fee, and provide a License Bond as required by this chapter. The Board may require a letter of verification from the jurisdiction or institution where the applicant was previously examined. (Ord. 37-1997)

(7) License Bond

Each applicant approved to be granted an Electrical Contractor's License must also provide a License Bond, payable to the City in the penal sum of five-thousand dollars (\$5,000.00) conditioned upon faithful compliance with the provisions of this Code as it pertains to the regulation of electrical work and apparatus and agreeing to pay all damages, costs and expenses caused by the negligence of the licensee through failure to comply with such provisions.

(8) Issuance of Certificate of License

(A) The Board shall examine the application, the accompanying documentation, other information provided and examination results, and shall grant or deny the license applied for. Appeal from the denial, suspension or revocation of any license by the Board shall be made to the Board of Public Works and Safety of the City of Richmond, Indiana.

(B) The Board shall issue a license to any applicant who has complied with all requirements of the application, including but not limited to the filing of a bond and payment of the prescribed license fee.

(C) Each Certificate of License shall be issued to an individual and not to a company or corporation. The Certificate of License shall specify the name of the person to whom the license is issued and the expiration date of the license. The Certificate of License shall be posted in a conspicuous place in the licensee's principal place of business.

(9) Term of license; renewal

(A) Term

The term of each license under this Section is from the date of issuance of a new license or January 1st of a renewal license through and including December 31st of each calendar year.

(B) Renewal

A person is eligible for a renewal license if he holds a valid and unrevoked license under this section and complies with the applicable License Bond requirements of this Code. Each license shall be renewed by June 30th of the next calendar year.

(10) This section does not revoke outstanding licenses. The adoption of this Code shall not operate to automatically revoke the license of any person who has heretofore been granted a license by any prior Board. However, all licenses shall be subject to the provisions of this Code and may be suspended or revoked upon a determination of just cause.

(c) Heating and Air Conditioning Examining Board

(1) To carry out the provisions of this section, there is hereby recreated, and also continued, as previously created and established, a Board for the examination and licensing of persons engaged in installing heating and air conditioning equipment to be known as the Heating and Air Conditioning Examining Board of the City of Richmond, Indiana. The Heating and Air Conditioning Examining Board (referred to below as the Board) shall examine applicants for licenses under this Section, issue Certificates of Licenses to qualified applicants who have paid the prescribed fees and who have passed the examination hereinafter required, and revoke or suspend any license after just cause shown before such Board.

(2) Any members of the Board, so serving under previous appointments at the time this Code takes effect, shall continue to serve pursuant to their previous appointments. Thereafter, the Board shall consist of four (4) members. One (1) member shall be the Director of the City Enforcement Authority or his duly authorized representative. Three (3) members shall be appointed by the Mayor as follows: two (2) licensed Heating and Air Conditioning Contractors and one (1) person employed in the Inspection Division of the Richmond Fire Department. Members shall serve for a term of four (4) years and shall hold office at the pleasure of the Mayor. Each term shall expire on December 31st of the fourth year. However, each member shall continue to serve until a successor is appointed. Vacancies occurring within a term shall be filled by the Mayor for the unexpired portion of the term. Each Board member, not employed by the City of Richmond, shall receive twelve dollars and fifty cents (\$12.50) for each regular meeting of the Board he attends and shall receive twenty-five dollars (\$25.00) for each special meeting of the Board he attends.

(3) At least once each quarter, the Board shall examine applicants for licenses, provided that any such applications are pending. The Board may also meet at the call of the Chairman of the Board, and provide for examinations at other times. (Ord. 37-1997)

(4) The Board shall keep minutes of all meetings and a record of all licenses issued and shall adopt a printed manual of its rules and regulations for the conduct of meetings and examinations.

(5) Three (3) members of the Board shall constitute a quorum for the transaction of business, but any action taken at a meeting shall require the affirmative vote of at least three (3) members.

(d) Heating and Air Conditioning Licenses

(1) All persons performing any installation or alteration of any heating and air conditioning equipment within the City of Richmond shall be required to be

licensed by the City as a Heating and Air Conditioning Contractor or shall be in the employ of a licensed Heating and Air Conditioning Contractor working under the supervision, direction and responsibility of said licensed Contractor.

(2) Non-transferrability and Non-negotiability

Any license issued under this Section may not be transferred, assigned, sold or negotiated to another person. It shall be unlawful to transfer, assign, sell or loan such license to the use of another person, firm or corporation to enable such person, firm, or corporation to work on a job without obtaining the proper license or permit.

(3) Issuance of Permits

It shall be the responsibility of licensed Heating and Air Conditioning Contractors to secure permits required by the provisions of this Code prior to commencing work. All work performed pursuant to a permit issued to a licensed contractor shall be the sole responsibility of said Contractor's License Bond and shall pay all damages, costs, and expenses caused by negligence through failure to comply with the provisions of this Code. No licensed Contractor shall allow any other person to do or cause to be done any work under a permit secured by said Contractor except persons in his employ.

(4) Exemption

No license under this Section is required for the execution or performance of the following heating and air conditioning work: The performance of heating and air conditioning work in a one-family dwelling by the owner-occupant of the dwelling; provided, however, that this exemption does not apply to any person hired by the owner-occupant for compensation to assist or to perform such heating and air conditioning work on that dwelling.

(5) Application

Each applicant shall apply in writing to the Board for a license at least thirty (30) days before the next scheduled examination date. The application shall include:

- (A) The applicant's name, address, telephone number and age.
- (B) The applicant's number of years of experience in the trade.
- (C) The applicant's present place of employment.
- (D) Any license currently held by the applicant for another jurisdiction.

(E) Payment of a ten dollar (\$10.00) fee and whatever fee may be assessed by any private independent testing agency, should such an agency be used. (Ord. 37-1997) (Ord. 38-2005)

(6) Examination

To qualify for a new license, an applicant must earn a score of not less than seventy-five percent (75%) correct answers to a written examination to be given by the Board. The examination may be prepared by a private independent testing company or may be prepared by the Board. The examination may be designed to be taken using open reference books approved by the Board. An applicant who fails to pass an examination may not be re-examined earlier than the next scheduled examination upon submitting a new application in compliance with this section. An applicant who passes the examination shall not be required to retake the examination to obtain a license renewal, if he meets the renewal requirements as specified below. If a private independent testing agency is utilized, the Board shall grant a license to any applicant who has previously taken and scored at least seventy-five percent (75%) on the same exam in another jurisdiction. Such applicants must complete an application for a license, pay a fee, and provide a License Bond as required by this chapter. The Board may require a letter of verification from the jurisdiction or institution where the applicant was previously examined. (Ord. 37-1997)

(7) License Bond

Each applicant approved to be granted a Heating and Air Conditioning Contractor's License must also provide a License Bond, payable to the City in the penal sum of five-thousand dollars (\$5,000.00) conditioned upon faithful compliance with the provisions of this Code as it pertains to the regulation of heating and air conditioning work and apparatus and agreeing to pay all damages, costs and expenses caused by the negligence of the licensee through failure to comply with such provisions.

(8) Issuance of Certificate of License

(a) The Board shall examine the application, the accompanying documentation and other information provided, examination results, and shall grant or deny the license applied for. Appeal from the denial, suspension or revocation of any license by the Board shall be made to the Board of Public Works and Safety of the City of Richmond, Indiana.

(b) The Board shall issue a license to any applicant who has complied with all requirements of the application, including but not limited to the filing of a bond and payment of the prescribed license fee.

(c) Each Certificate of License shall be issued to an individual and not to a company or corporation. The Certificate of License shall specify the name of the person to whom the license is issued, and the expiration date of the license. The Certificate of License shall be posted in a conspicuous place in the licensee's principal place of business.

(9) Term of License; Renewal

(A) Term

The term of each license under this Section is from the date of issuance of a new license or January 1st of renewal license through and including December 31st of each calendar year.

(B) Renewal

A person is eligible for a renewal license if he holds a valid and unrevoked license under this section and complies with the applicable License Bond requirements of this Code. Each license shall be renewed by June 30th of the next calendar year.

(10) This section does not revoke outstanding licenses. The adoption of this Code shall not operate to automatically revoke the license of any person who has heretofore been granted a license by any prior Board. However, all licenses shall be subject to the provisions of this Code and may be suspended or revoked upon a determination of just cause.

150.15 REGISTRATION OF PLUMBING CONTRACTORS

(a) Definitions

The meaning of the terms, "plumbing", "plumbing contractor", "journeyman plumber", "apprentice plumber", "farmstead" and "maintenance man" shall be as set forth and defined in Indiana Law I.C. 25-28.5-1, et. seq.

(b) Performing Plumbing in the City - Registration of plumbing contractors and requirement for permits

All persons performing plumbing in the City of Richmond shall be licensed by the State of Indiana as either one of the following: (1) a Plumbing Contractor, (2) a Journeyman Plumber under the supervision, direction and responsibility of a licensed Plumbing Contractor, or (3) an Apprentice Plumber under the direction and immediate supervision of a licensed Plumbing Contractor or a licensed Journeyman Plumber. All Plumbing Contractors performing plumbing in the City of Richmond shall be required to be registered with the City Enforcement Authority of said City. It shall be the responsibility

of licensed and registered Plumbing Contractors to secure permits required by the provisions of this Code prior to commencing work. No registered Contractor shall allow any other person to do or cause to be done any work under a permit secured by said Contractor except persons in his employ. Provided, however, that the owner-occupant of a dwelling of eight (8) or fewer residential units shall not be required to be licensed by the State and shall not be required to register when the owner-occupant is installing, altering or repairing the plumbing of said residential units. The Owner-occupant shall be required to obtain all necessary permits prior to commencing work. Registration of Plumbing Contractor shall be on forms provided by the City Enforcement Authority. Registration is on a per annum calendar year basis.

(c) Display of license and registration

Every Plumbing Contractor, Journeyman Plumber and Apprentice Plumber shall carry on that person a facsimile of that person's license or certificate of registration on any job location where he is engaged in plumbing contracting or the trade of plumbing. The Plumbing Contractor, Journeyman Plumber or Apprentice Plumber shall display that person's license and/or certificate of registration upon the demand of any Inspector of the State of Indiana or the Director of the City Enforcement Authority or his duly authorized representative.

150.16 WRECKING BUILDINGS AND STRUCTURES

(a) Wrecking Permits

Before proceeding with the wrecking or tearing down of any building or structure, in whole or part, a permit therefor shall first be obtained by the owner or his agent from the City Enforcement Authority, upon a form prescribed by said Department. It shall be unlawful to proceed with such work unless such permit shall have been first obtained.

(b) Liability for Property Damage and Bodily Injury

All persons engaged in the demolition of a building or structure, including the property owner and his agent, shall be liable for any bodily injury or damage to public or private property occurring as a result of the demolition work. Said persons shall indemnify and save harmless the City of Richmond against any loss, damage, expense, claim, demand, action, judgement or liability of any kind whatsoever which may arise or result from the demolition work. Before any Demolition Permit is issued to any person, firm or corporation who offers to demolish a building or structure for another person and/or who engages in the business of demolition contracting, said person, firm or corporation shall furnish to the City Enforcement Authority a Certificate of Insurance, indicating the appropriate endorsement for wrecking or demolition work. The minimums of such insurance shall be as follows:

| | <u>Each Occurrence</u> | <u>Aggregate</u> |
|-------------------------------|------------------------|------------------|
| Liability for Bodily Injury | \$100,000.00 | \$300,000.00 |
| Liability for Property Damage | \$100,000.00 | \$300,000.00 |

OR COMBINED SINGLE LIMIT COVERAGE AS FOLLOWS:

| | | |
|---|--------------|--------------|
| Liability for Bodily Injury and Property Damage | \$300,000.00 | \$300,000.00 |
|---|--------------|--------------|

(c) Minimum Standards for Demolition

All persons engaged in the demolition of a building or structure shall comply with the following minimum standards:

- (1) Control shall be maintained over the site and operation to eliminate hazards to the public. Nails or other tire puncturing items shall not be dropped on streets, alleys and adjacent property. Public streets, curbs and sidewalks shall be protected from damage. The person engaged in the demolition work shall be liable for any and all damage to curbs, streets, sidewalks and other public or private property and for any bodily injury occurring as a result of the demolition work.
- (2) Basement walls and all other concrete slabs and footings not intended or not able to be reused shall be removed two (2) feet below finished grade. Material used for backfill shall be free of wood and compacted thoroughly.
- (3) All sewer and drain lines shall be removed for a distance of two (2) feet outside of the basement wall and shall be thoroughly plugged and sealed with cement. All water service shall be turned off at the service valve and water lines shall be removed for a distance of two (2) feet outside of the basement wall and shall be thoroughly plugged and sealed to prevent leakage.
- (4) Basement floors shall be broken to provide positive drainage for a minimum of twenty percent (20%) of the floor area uniformly distributed.
- (5) All underground tanks present on the site shall be removed. Cisterns present on the site shall be filled in accordance with the requirements for basements.
- (6) All debris resulting from the demolition work shall be properly disposed of.

(7) The demolition site shall be left with a uniform grade and shall be free of debris.

(8) The person engaged in the demolition work shall be responsible for requesting two (2) inspections during the course of the work. The first inspection shall be made after the basement floor is broken and the water and sewer services are sealed. The second inspection shall be made after the backfill is completed, the site is uniformly graded and all debris has been removed.

150.17 MOVING BUILDINGS OR STRUCTURES

(a) Approval and Permit Required for Moving Buildings and Structures

(1) No building or structure shall be moved to a new location over any street, bridge, other public property or private property within the Corporate limits of the City of Richmond without first obtaining the approval of the Board of Public Works and Safety of the City of Richmond, and obtaining a Permit from the City Enforcement Authority.

(2) Any person desiring to move a building or structure shall submit an application to the City Enforcement Authority on such forms as may be prescribed by said Department. The Application shall be accompanied by the following:

(A) A map indicating the proposed route.

(B) A letter from all public utility companies, railroads and cable television companies with facilities along the proposed route indicating that the applicant has deposited with such company adequate surety to cover the cost of any damage or changes in facilities resulting from moving the building or structure.

(C) A letter from the Park Superintendent indicating any problems or recommendation regarding potential damage to trees along the public right-of-way.

(D) A letter from the Traffic Division of the Richmond Police Department with recommendations regarding the proposed route and traffic control.

(E) A letter from the Director of the Department of Public Works indicating any problems or recommendations regarding public facilities and improvements.

- (F) A letter from the City enforcement authority regarding the overall structural condition of the building or structures proposed to be moved.
- (G) Approval from the County Highway Engineer if the proposed route includes any County highway or bridge.
- (H) Approval from the Indiana Department of Transportation if the proposed route includes any State highways.
- (I) Written authorization from any private property owner whose land must be crossed during the move.
- (J) A Certificate of Insurance and Performance Bond as required below.

(3) All applications for a Permit to move a building or structure shall be referred to the Board of Public Works and Safety of the City of Richmond. The Board shall review the application and recommendations made by all interested parties. If the Board of Public Works and Safety determines that the moving and relocation of the building or structure can be made without injury to persons or to curbs, sidewalks, bridges, sewers, or other public or private property and improvements, the Board may approve the Moving Permit Application and the City Enforcement Authority may issue a Moving Permit.

(4) The Board of Public Works and Safety shall approve the route to be utilized for the move, the time and date such move shall take place and the time and date when such move shall be completed. The Board may require other reasonable conditions as necessary to protect the public health, safety and welfare.

(5) No application for moving shall be approved by the Board if the building or structure proposed to be moved has been damaged by wear or tear or other cause to an extent exceeding fifty percent (50%) of its original cost.

(6) Any building or structure that has been moved to a new location shall be rehabilitated or reconstructed so as to be made to conform to the provisions of this Code for new construction.

(b) Insurance and Bonding Requirements

(1) The applicant for a Moving Permit shall agree to assume the responsibility for any personal injury or any damage to public or private property occurring as a result of moving a building or structure. The Applicant shall agree to defend, indemnify and hold harmless the City of Richmond, Indiana, its departments, boards, employees, officers and agents from and against all claims, charges,

damages, demands, costs, suits, liabilities and payments, expenses (including counsel fees), fines, judgments, penalties, and/or losses of any kind or nature whatsoever, resulting from or in respect of any injury or damage to person or property caused negligently or otherwise from the moving of any building or structure, and/or the granting of a Moving Permit. The applicant shall submit to the City Enforcement Authority a Certificate of Insurance as evidence that said Applicant has liability insurance coverage properly endorsed for moving of a building or structure in the following minimum amounts:

| | <u>Each Occurrence</u> | <u>Aggregate</u> |
|--|------------------------|------------------|
| Liability for Bodily Injury | \$500,000.00 | \$1,000,000.00 |
| Liability for Public and Private Property Damage | \$500,000.00 | \$1,000,000.00 |

OR COMBINED SINGLE LIMIT COVERAGE AS FOLLOWS:

| | | |
|---|----------------|----------------|
| Liability for Bodily Injury and Property Damage | \$1,000,000.00 | \$1,000,000.00 |
|---|----------------|----------------|

(2) A building or structure shall be required to be placed on its permanent foundation within thirty (30) days after being moved to a new location. An applicant for a Moving Permit shall submit to the Board of Public Works and Safety a performance bond, or other form of surety acceptable to said Board, in an amount to be determined by the Board, guaranteeing that the moving of the building or structure shall be completed within the time specified by the Board and that the building or structure shall be placed on its permanent foundation within thirty (30) days after being moved to a new location.

(3) In the event of adverse weather conditions or other unforeseen circumstances, the Board may, upon the request of the applicant, grant an extension of time to complete the move or to place the building or structure on its permanent foundation. The Board shall release the Performance Bond upon the satisfactory completion of the move and the placement of the building or structure on its permanent foundation.

150.18 MINIMUM STANDARDS FOR EXTERIOR MAINTENANCE

(a) Exterior Maintenance Standards

(1) The exterior of all premises and the condition of all buildings and structures thereon shall be maintained so that the appearance thereof shall reflect a level of maintenance in keeping with the standards of the City and so as to avoid blighting effects and hazards to health, safety, and welfare.

(2) The owner and operator shall keep the exterior of all premises and every structure thereon including but not limited to walls, roofs, cornices, chimneys, drains, towers, porches, landings, fire escapes, stairs, refuse or garbage containers, store fronts, signs, windows, doors, awnings and marquees, in good repair, and all surfaces thereof shall be kept painted or protected with other approved coating or material where necessary for the purpose of preservation and avoiding a blighting influence on adjoining properties. Exterior wood, composition or metal surfaces shall be protected from the elements by paint or other protective covering. Surfaces shall be maintained so as to be kept clean and free of flaking, loose or peeling paint or covering. Those surface materials whose appearance and maintenance would be enhanced by a natural weathering effect or other natural effects may remain untreated.

(3) All surfaces shall be maintained free of significant broken glass, loose shingles, crumbling stone or brick, peeling paint, or other cumulative conditions reflective of deterioration or inadequate maintenance, and not show evidence of weathering, discoloration, ripping, tearing, or other holes or breaks, to the end that the property itself may be preserved safely and fire hazards eliminated adjoining properties and the neighborhood protected from blighting influence. (Ord. 2-2001)

(4) All premises shall be maintained and lawn, hedges, bushes, trees, and other vegetation shall be kept trimmed and from becoming overgrown and unsightly where exposed to public view or where such vegetation may constitute a blighting influence on adjoining property.

(5) All premises shall be maintained free of all debris, trash, rubbish, litter, garbage, refuse, junk and foundation remnants. No premises shall be used for the storage of inoperable motor vehicles, machinery, junk vehicles or machinery and vehicle parts when such storage is within view of any public premises or public alley, street or highway so as not to cause a blighting problem or adversely effect the public health or safety or where such storage presents a blighting influence on any adjoining property.

(6) All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein.

(b) Remedies

(1) The Director of the City Enforcement Authority shall request the City Attorney to bring action on behalf of the City in the Circuit or Superior Courts of Wayne County, Indiana, for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders made by the Director or his authorized representative, and any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this Ordinance. Any person adjudged guilty of a violation of this Ordinance may also be adjudged to pay the costs of prosecution.

(2) The owner of the property shall be notified in writing stating that the property owner shall have a maximum of fifteen (15) days to comply with the standards of maintenance as outlined in this section, after which time if the property owner has not complied, a fine shall be assessed as provided for in (c) below.

(c) Penalties

(1) If any property owner violates the provisions of this Section, said property owner shall be notified in writing of such violation.

(2) The Director of the City Enforcement Authority or his authorized representative shall send a "Violation Notice" by First Class Mail or by delivery in person to the property owner found to be in violation of this section, and that said person shall have a maximum of five (5) days to complete and return a form letter indicating agreement to "Correct the Violation within fifteen (15) days" or to "Appeal the Violation".

(3) Upon receipt of a request for an appeal the Director shall notify the appellant in writing of the place and dates to schedule an appeal. The property owner may appeal "The Violation", "The Compliance Requirements", or "The Completion Date".

(4) Upon presentation of convincing evidence the Board of Public Works and Safety may negotiate an adjusted "Compliance Schedule" commensurate with the evidence presented and in keeping with this Section.

(5) Proof of Hardship

Upon proof of hardship a resident-owner may be granted a continuance and be excepted from fines for those violations requiring the expenditure of unavailable funds provided that said violations do not adversely affect the public health or safety.

(6) Failure to Comply

In the event the owner failed to respond to any of the above procedure the owner would be found in violation of this section and fined accordingly, pursuant to section 10.99 of the City Code.

(7) Notice of such violation shall be by written notice in form as approved by the Board of Public Works and Safety, and notice shall include a statement of the nature of the violation, location of City Clerk's office, identification of the violator and identification of issuing official.

(8) Enforcement of this section shall be by the Director of the City Enforcement Authority or his authorized representative.

(9) Failure to remit fine within ten (10) days shall result in issuance of summons for said violation in the proper court of jurisdiction.

(d) Right of Appeal

The Board of Public Works and Safety shall have the authority to grant special variances or relief to any provisions or requirements of this section and may prescribe any conditions or requirements deemed necessary to minimize adverse effects upon the community. The Board of Public Works and Safety may develop standards and procedures for the implementation and enforcement of these provisions.

150.19 GENERAL PROVISIONS

(a) Temporary Buildings or Uses

No temporary building or structure, trailer, mobile or manufactured home, or mobile or manufactured office or classroom unit shall be used for any purpose by any commercial, industrial or institutional occupancy within the corporate limits of the City of Richmond, Indiana unless such building, structure, trailer, mobile or manufactured home or unit is placed on a permanent foundation and plans and specifications for such construction and use are submitted to and approved by the Fire Prevention and Building Safety Commission of the State of Indiana. Except that the provisions of this section shall not apply in the following instances:

(1) Contractor trailers and sheds used in conjunction with construction or demolition work;

(2) Accessory buildings and structures with an area equal to or less than 120 square feet; and,

(3) The installation of a commercial mobile unit bearing an Indiana seal of compliance under Public Law 135, when the use of such unit is intended for a limited period of time not exceeding twelve (12) months duration and when such installation complies with the standards and requirements of the Zoning Ordinance of the City of Richmond. The City Enforcement Authority shall issue a Building Permit for the installation of a commercial mobile unit. Said Permit shall indicate the period of time the commercial mobile unit shall be used, which shall not exceed twelve (12) months. Upon the expiration of the time limit specified in the Permit, the commercial mobile unit shall be completely removed from the premises.

(b) Tents

Any tent or air-supported structure erected within the corporate limits of the City of Richmond, intended to be used by the public, shall comply with the provisions of the Indiana Fire Prevention Code.

(c) Responsibility of Police Department to assist the City Enforcement Authority

The Richmond Police Department, upon request of the City Enforcement Authority, shall assist in the enforcement of this Code. The Director of the Department or his duly authorized representative may request the Police to accompany them to any premises to help enforce the law and serve required notices.

(d) Fire Department to cooperate with the City Enforcement Authority

The Richmond Fire Department shall cooperate with and provide assistance to the City Enforcement Authority in determining the compliance of new buildings and structures under construction with the fire safety standard requirements of this Code.

(e) Storm water and Subsoil Drainage Systems

When storm water and subsoil drainage systems are installed, they shall be discharged into an approved sump or receiving tank and shall be discharged at an approved location, but shall not be discharged into a sanitary sewer.

(f) Construction Work and Building Material in Public Right-of-way

No construction work, demolition work or storage of building materials shall occur within the public right-of-way adjacent to the construction or demolition site without the prior approval of the Board of Public Works and Safety. Whenever authority is granted to use the public right-of-way, the Board shall require appropriate safety measures to protect the public.

(g) Interceptor Required

An interceptor shall be required to be installed in occupancies where grease, oil, sand, solids, flammable wastes, acid or alkaline substances or other ingredients may be introduced into the drainage or sewage system in quantities that can affect line stoppage or hinder sewage treatment. Such occupancies include, but are not limited to, restaurants, cafes, lunch counters, cafeterias, bars and clubs, hotel, hospital, nursing home, factory or school kitchens, slaughter houses, soap factories, and packing, fat rendering, hide curing and vehicle washing establishments. Interceptors shall be installed in compliance with the provisions of the Indiana Plumbing Code.

(h) Change of Use of Occupancy

No change shall be made in the use or character of occupancy of any building which would place the building in a different class or group of occupancy and use, unless such building is made to comply with the current requirements of this Code for the proposed revised use of the building.

(i) Maintenance

All buildings and structures, and their electrical, plumbing and heating and air conditioning systems, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices, safeguards and systems shall be maintained in conformance with the provisions of the Building Code in effect when installed. The owner or his authorized agent shall be responsible for the maintenance of buildings and structures. To determine compliance with this subsection, the Director of the City Enforcement Authority or his authorized representative may cause any building or structure to be reinspected.

(j) Authority to Take Emergency Action

The Director of the City Enforcement Authority and his duly authorized representative have the authority to take necessary emergency action concerning any unsafe premise within the corporate limits of the City of Richmond, Indiana. Such action may include, but not be limited to, the vacating of an unsafe building and/or the disconnection of any electrical service or natural gas service to any premises upon determination that such immediate action is necessary for safety to persons or property. Such emergency action taken shall be limited to removing any immediate danger.

(k) Disconnection of Unsafe Electrical Service by Richmond Power and Light

In the event Richmond Power and Light removes an electrical meter or disconnects the service drop to a building or structure because the electrical system of said building or structure is unsafe and hazardous. The electrical system of said building or structure shall not be placed back in service unless such system is inspected by an Electrical Contractor

licensed under the provisions of this Code and upgraded as necessary to eliminate all unsafe and hazardous conditions.

(l) Electrical Connections by Heating and Air Conditioning Contractors and Plumbers

Any licensed Heating and Air Conditioning Contractor or person in his employ and any Registered Plumbing Contractor or Journeyman Plumber may make the necessary electrical connections as may be required for the satisfactory performance of either a new or replacement heating and/or air conditioning system or a hot water heater, provided the rating of circuit conductors and disconnect are not exceeded and the electrical connection meets the requirements of the Indiana Electrical Code. However, such persons shall not be permitted to install service equipment, branch circuits, over current devices nor resistance electric heat.

(m) Sealing Vacant Buildings and Structures

The sealing and securing of any vacant building or structure, including any work performed subject to an Order issued under the Unsafe Building Code of the City of Richmond, Indiana, or any work performed by an owner on his own initiative, shall be required to be accomplished pursuant to the following uniform standard: Double headed nails shall be utilized to fasten one-half (1/2) inch exterior grade plywood to all exterior openings of every floor. The plywood shall be cut and installed to precisely fit each opening so as to present a neat, workmanlike appearance. Prior to the sealing and securing of any vacant building or structure, the building or structure shall be cleared of all human inhabitants. Any building or structure that has been sealed and secured shall be repaired and rehabilitated as required to bring said building or structure into compliance with this Code prior to said building or structure being again occupied or used.

(n) Unsafe Buildings and Structures

The regulation and abatement of unsafe buildings and structures shall be in accordance with Chapter 98 of the Code of Ordinances of the City of Richmond, Indiana.

150.20 LIABILITY

The City of Richmond, the Director of the City Enforcement Authority or his duly authorized representatives charged with the enforcement of this Code, acting in good faith and without malice in the discharge of their duties, shall not thereby render themselves personally liable and they hereby are relieved from all personal liability for any damage that may accrue to person or property as a result of any act required or by reason of any act of omission in the discharge of their duties. Any suit brought against the City or the Director or his duly authorized representatives because of such act of omission performed by them in the enforcement of any provisions of this Code, shall be defended by the Legal Department of the City until final termination of the proceedings.

150.21 VIOLATIONS

It shall be unlawful for any person, firm or corporation, whether as owner, lessee, sub-lessee, or occupant to erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure, other than fences, in the City of Richmond, Indiana, or cause or permit the same to be done, contrary to or in violation of the provisions of this Code.

150.22 RIGHT OF APPEAL

All persons shall have the right to appeal the decision(s) of the Director of the City Enforcement Authority or his duly authorized representatives first through the Board of Public Works and Safety of the City of Richmond, and then to the Fire Prevention and Building Safety Commission, in accordance with the provisions of I.C. 22-13-2-7 and I.C. 4-21.5-3-7.

150.23 REMEDIES

The Director of the City Enforcement Authority shall request the City Attorney to bring actions on behalf of the City in the Circuit or Superior Courts of Wayne County, Indiana, for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders made by the Director or his duly authorized representative, and any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this Code. Any person adjudged guilty of a violation of this Code may also be adjudged to pay the costs of prosecution.

150.24 PENALTIES

If any person, firm or corporation shall violate any of the provisions of this Code, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the Director of the City Enforcement Authority or his duly authorized representative, or shall fail, neglect or refuse to obey any lawful order given by the Director or his duly authorized representative, in connection with the provisions of this Code, for each such violation, failure or refusal, such person, firm or corporation shall be fined in any sum not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00). Each act of violation and every day upon which a violation occurs constitutes a separate offense.

150.25 SEVERABILITY

If any section, sub-section, sentence, clause, phrase or portion of this Code is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions hereof.

150.26 SUPERSEDES PRIOR CODES AND ORDINANCES

The provisions of this Code shall supersede any provisions of prior Ordinances or Codes in conflict with the provisions contained herein.

150.27 EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its adoption, approval by the Fire Prevention and Building Safety Commission of the State of Indiana, and publication as required by law. (Ord. 10-1988)